



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 21, 2011**

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 1151, *An Act Concerning Pardons*

Raised Senate Bill No. 1166, *An Act Concerning the Length of Pretrial Detention*

Raised Senate Bill No. 1183, *An Act Concerning Inmate Requests for Public Records*

The Office of the Victim Advocate (OVA) is detecting a dangerous pattern in the state, eliminate mandatory minimums; abolish the death penalty; reduce the penalty for certain offenses; reinstate good time credit for inmates; increase early release opportunities; early termination of probation; increase availability of sentence modification; and now, automatic issuance of an absolute pardon three years after issuance of a provisional pardon for a misdemeanor offense and five years after for a felony offense.

While the OVA is cognizant of the need to reduce incarceration costs to the state and to ensure that those offenders released have an opportunity to gain employment and become productive members of society, the OVA is concerned that Raised Senate Bill No. 1151 may jeopardize victim and public safety. Principally in cases of domestic violence, stalking, threatening and harassment, which are, for the most part, misdemeanor offenses. As you may be aware, many of these offenses are reported to law enforcement but lack probable cause to effectuate an arrest. Often, these types of crimes are a "pattern of behavior" rather than a single criminal act, typically not reflective in an individual's conviction history.

Additionally, the issuance of an absolute pardon will yield an erasure of the criminal record. The erasure of certain criminal records is simply not good public policy. Many businesses, volunteer organizations, private citizens, and most importantly, law enforcement rely on this information to make decisions. We have just recently improved the pardon's application process and do not have sufficient information to gauge whether there have been unintended consequences as a result. At this time, the OVA strongly urges the Committee to reject Raised Senate Bill No. 1151.

Raised Senate Bill No. 1166 seeks to ensure that a person charged with a misdemeanor crime, and unable to post bond, is not detained in prison for a period longer than the term of imprisonment such person would serve if convicted of the offense. The OVA respectfully requests that the Committee consider amending the proposal to make clear that the court shall

consider nonfinancial conditions to ensure that the safety of any other person will not be endangered, in accordance with subdivision (2) of subsection (b) of section 54-64a.

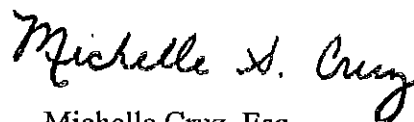
The OVA recognizes that a person should not be detained in pre-trial status beyond the period of time that the offense is punishable; however, crime victims have a Constitutional right to be reasonably protected from the accused. The court, in determining the nonfinancial conditions, must also consider measures to protect the victim, if any. Stalking 2nd and 3rd, threatening and harassment 2nd are all misdemeanor crimes, to name only a few, and the victim of those crimes should be reasonably assured of their safety.

Finally, Raised Senate Bill No. 1183 establishes a process for a preliminary review of Freedom of Information requests made by inmates. Although the OVA understands the concept of this proposal, there are questions surrounding the determination standards that a trial judge referee will use in conducting the preliminary review. Additionally, the proposal is silent as to the availability of any appellate relief of the trial judge referee's decision, whether by the inmate requesting the information or the agency holding the information.

There is no question that Freedom of Information requests by inmates has gotten out of control. The constant requests, mostly without reasonable grounds, made to some agencies have required the agency to assign a dedicated staff to respond to the request. This is an unnecessary waste of resources, but at the same time, necessary for the agency to protect private information that should not be released to inmates. The OVA supports the notion that Freedom of Information requests by inmates should be limited and carefully reviewed. In fact, the OVA has put forth and supported various proposals similar to protect private information about crime victims, such as autopsy records and photographs. Raised Senate Bill No. 1183 is a start but needs to be strengthened further.

Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle A. Cruz". The signature is written in a cursive, flowing style.

Michelle Cruz, Esq.
State Victim Advocate